NORTHERN DISTRICT GRIED AS

IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS FORT WORTH DIVISION

MAR - 9 **2009**

DAVID STEVEN LANKFORD,	8	CLERK, U.S. DISTRICT COURT
Applicant, VS. NATHANIEL QUARTERMAN, Director, Texas Department of Criminal Justice, Correctional Institutions Division,	S S S NO. 4:08- S S S S S S S	Deputy
Respondent.	8	

ORDER

Came on for consideration the above-captioned action wherein David Steven Lankford ("Lankford") is applicant and Nathaniel Quarterman, Director, Texas Department of Criminal Justice, Correctional Institutions Division ("Director"), is respondent. 1 This is an application for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. On February 17, 2009, the United States Magistrate Judge issued his proposed findings, conclusions, and recommendation ("FC&R"), and ordered that the parties file objections, if any, thereto by March 10, 2009. Lankford timely filed written objections to which Director has not made any further response.

In accordance with 28 U.S.C. § 636(b)(1) and Rule 72 of the Federal Rules of Civil Procedure, the court makes a de novo determination of those portions of the proposed findings or

¹Applicant refers to his application as a "petition" and to himself as "petitioner." Consistent with the language of 28 U.S.C. § 2254, the court uses the terms "applicant" and "application" instead of "petitioner" and "petition."

recommendations to which specific objection is made. <u>United</u>

<u>States v. Raddatz</u>, 447 U.S. 667 (1980). The court need not consider any nonspecific objections or any frivolous or conclusory objections. <u>Battle v. United States Parole Comm'n</u>, 834 F.2d 419, 421 (5th Cir. 1987).

Lankford contends that the Antiterrorism and Effective Death Penalty Act violates his rights under the Fifth, Eighth, and Fourteenth Amendments to the United States Constitution. The court is satisfied that these objections are without merit.

Therefore,

The court accepts the findings, conclusions, and recommendation of the magistrate judge and ORDERS that Lankford's application for writ of habeas corpus pursuant to 28 U.S.C. § 2254 be, and is hereby, dismissed with prejudice as time-barred.

SIGNED March 9, 2009.

JOHN MCBRYDE

United States District Jugge